



MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
Santa Monica Mountains
MEETING OF MAY 18 2009
(Minutes approved on June 15, 2009)

PERSONS IN ATTENDANCE:

ERB MEMBERS

Rosi Dagit
Dr. Noël Davis (absent)
Ron Durbin (Deputy Forester)
Suzanne Goode (absent)
Dr. Margot Griswold (absent)
Richard Ibarra
Dr. Travis Longcore
David Magney (absent)

REGIONAL PLANNING STAFF

Jeff Juarez (ERB Coordinator)
Dr. Shirley Imsand (Biologist)
Maral Tashjian (Special Projects Section, temporary ERB member)

Project No. R2009-00495/RPP2009-00376

20520 Betton Drive, Topanga/APN 4448-007-121

Don List 970-390-3632

Project No. R2009-00114/RPP2009-00153

814 ½ Robinson Road, Topanga/APN 4444-012-033

Larry Miner 310-993-1676
Lynn Heacox 714-766-6525

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AGENDA ITEMS & PAGINATION:

1. Minutes of February 23, 2009, p. 2
2. Minutes of April 20, 2009, p. 2

NEW BUSINESS:

3. **Project No. R2009-00495/RPP2009-00376**
 20520 Betton Drive, Topanga/APN 4448-007-121, pp. 3-7
4. **Project No. R2009-00114/RPP2009-00153**
 814 ½ Robinson Road, Topanga/APN 4444-012-033, pp. 8-11

OTHER MATTERS

5. **Public comment** pursuant to Section 54954.3 of the Government Code.

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NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

ERB MINUTES

20 April 2009

1. **Minutes of February 23, 2009** were approved on a motion from Rosi Dagit and seconded by Ron Durbin.
2. **Minutes of April 20, 2009** have not been prepared for approval by ERB. Final approval of the minutes will occur during the June 15, 2009 ERB meeting.

NEW BUSINESS

3. The List Guesthouse

Project No. R2009-00495
Plot Plan: RPP 2009-00376
APN: 4448-007-121
Location: 20520 Betton Drive, Topanga
Applicant: Corey Goodwin, Goodwin Design, for Don List

Project: The project proposes a new one-story, 1,502 square foot (sq.ft.) guesthouse/workshop on an existing 106,722 sq.ft. (2.45 acres) lot. The new guesthouse/workshop is 18 feet in height and includes a 750 sq.ft. habitable area, including spa room, shower room, and restroom, an attached 458 sq.ft. workshop, and attached 294 sq.ft. lockable storage room. The guesthouse/workshop also includes a 348 sq.ft. deck, and a 288 sq.ft. patio with trellis. The total coverage of the guesthouse/workshop structure, deck, and patio is 2,138 sq.ft. The guesthouse/workshop will be located approximately 100 feet south of the existing 5,062 sq.ft. main residence (3,474 sq.ft. footprint). The 2.45 acre lot also includes an existing 1,070 sq.ft four-car garage. The total coverage of the residence, garage, and proposed guesthouse/workshop would be approximately 5,612 sq.ft., or 5.25 percent of the lot. The proposed grading includes 480 cubic yards (c.y.) of cut and 440 c.y. of fill, with no export. The proposed plans include a site plan, grading and drainage plan, fuel modification plan, floor plans and elevations.

Resource: The project site is located on the **Significant Ridgeline** between the **Tuna Canyon Significant Watershed** and the **Topanga Canyon Significant Watershed** of the Santa Monica Mountains Malibu Coastal Zone.

Request: **Review plans for guesthouse/workshop. The ERB recommendations will be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).** Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

Notes on Applicant's Presentation:

Don List, the property owner, was present to answer questions. The applicant approved Maral Tashjian as a temporary ERB member to achieve a quorum.

An existing unpaved road along the ridgeline will be used to access the site for construction. If this road cannot be used, then the main house driveway will be used. Currently, the road is used by hikers and equestrians of the neighborhood. The applicant does not intend to pave the road, nor use it for car access to the guesthouse. Instead, an improved stairway from the southeast end of the main house driveway will be constructed.

The guesthouse is combined with a bicycle workshop and storage. There are no plans to use it as a rental. The original plan was to locate the guesthouse at the lower end of the property where there is a flat area on the ridgeline, but it was moved to the presently proposed area for aesthetic (views from

the house) and access considerations. The septic system for the proposed guest house will have a small system and be connected to the system of the main house.

ERB Meeting Date: May 18, 2009

ERB Evaluation: Consistent X Consistent after Modifications
 Inconsistent No decision

ERB COMMENTS:

- The Betton Drive area should have been developed as a subdivision, but was not. Due to individual single-family-residence piecemeal development, the houses are not arranged well for fire safety, control of runoff, or control of erosion and sedimentation into the Tuna Canyon Watershed. The MRCA (Mountains Recreation and Conservation Authority) had purchased large amounts of land in the upper watershed because of the pristine, high habitat value of the area. It is one of a few areas left in the Topanga area with substantial populations of Coast Horned Lizards and Tarantulas and a number of other species of special interest. The MRCA will welcome any measures the applicant can take to lessen impacts from development.
- The ERB stated its concern over the long distance between the guesthouse and main residence, and asked why it is located so distant. The ERB pointed out a flat area closer to the residence where the guesthouse might be located. The ERB stated that it raises this question because the required fuel modification cannot be accomplished on the subject property. Sufficient fuel modification will need to extend to the adjacent, publically-owned property (MRCA) to the east, and it should not extend to the adjacent private property to the west. Therefore, the obvious thing to do is to pull the guesthouse and residence as close together as possible to minimize the amount of fuel modification on property belonging to others.
- The existing paved driveway would be sufficient to accommodate fire access (maximum 150 feet distance to far point of structures) to the proposed guesthouse. Fire hose jets reach 150 ft. from the edge of the driveway, and the far edge of the structure should be no further than this. Closer would be better. This ridge position is at the summit of one of the highest fire danger areas in the Topanga region.
- The guesthouse could be moved at least another 70 feet toward the main structure to reduce impacts so that fuel modification is accomplished on the south portion of the site to the maximum extent possible.
- Owner should be aware of the website T-CEP.org. It organizes persons in the Topanga area for arson watch and has a hotline with fire information that is manned during fires: (310) 455-3000
- The ERB expressed concern about the guesthouse being converted to a rental unit, and the overall size of the guesthouse, which contributes to extending the fuel modification to a larger area. The ERB suggested reducing the size of the guesthouse and moving it closer to the residence so that at least fuel modification of Zone B can be accomplished on the site.
- The ERB pointed out that the structure's owner is responsible for the brush clearance on the MRCA's property (SB59.5), and, because this is their policy, the MRCA will give consent to do brush clearance (via an encroachment permit).

- The ERB requested information on access to the site to build the project, access to the guesthouse, and on the intended use of the unpaved road located on the east portion of the site and which also lies on the adjacent public property to the east. The ERB questioned whether the road would be used for construction, such as for access for cement trucks, and if the applicant has permission from the MRCA to use the road for that purpose. The ERB asked about the applicant's options should the MRCA not allow use of the road for construction purposes.
- The proposed plant palette chiefly shows non-native species. Rather the palette should be compatible with the native vegetation on the adjacent public property, and it should be composed of 100% locally native species. The ERB also noted that a planting plan is not shown, and it will be needed for plan submission. Refer to the Topanga Watershed Management Plan plant lists, based on CNPS (California Native Plant Society) recommendations to prepare a native plant palette (see attached plant lists).
- Sod proposed for both Zone A and Zone B should be reconsidered because sod in that area, which is sloping, will be difficult to maintain due to its watering needs and location. A sod with shallow roots such as Marathon, consumes lots of water. It will have increased costs for maintenance and irrigation, and sod irrigation will expand habitat for Argentine Ants, which destroy native ants. The native ants are the food of the Horned Lizard, a state-listed species of special concern that is found in that area. Additionally this is one of few places left in the Santa Monica Mountains with tarantulas, which will also be disrupted by increased irrigation. Less irrigation and a more drought-tolerant, native landscaping would be better for the area. Sod should be restricted to Zone A, or be replaced with a native ground cover.
- The ERB pointed out that the fuel modification plan and grading plan are not consistent with each other. The proposed limit of grading on the grading plan and where the sod is proposed (on a slope condition) on the fuel modification plan do not match.
- The ERB is generally concerned regarding guesthouses and the 750 square foot limitation on these structures. Single family residences are allowed to have additional structures of a garage and another structure. Guesthouses are allowed 750 square feet. Combining the guesthouse and garage results in structures that seem to exceed the intent of the limitation, which is to reduce footprint of fuel modification. The ERB asks if this particular project is compliant with planning requirements: 750 sq.ft. living + 350 sq.ft. storage + 450 sq.ft. workshop.
- The ERB commented that reducing this particular guesthouse to 750 square feet would allow for all of Zone C on the south portion of the property, more space adjacent to the MRCA property, and more space adjacent to the private property.
- Due to wildlife movement through the area, perimeter fencing shall not be allowed; however, security fencing adjacent to the house is acceptable, for example, around a swimming pool.

ERB RECOMMENDATIONS:

- The size of the guesthouse shall comply with the Malibu Coastal Plan new development policy for guesthouse/second unit structures. If the guesthouse structure is not in compliance with the policy, it shall be reduced in size to 750 square feet.
- The guesthouse shall be located at least 70 feet closer to the main residence.
- All of Zone B of the fuel modification plan shall be accommodated on the subject site.

- The unpaved road shall remain unpaved and shall not be used to provide motor vehicle access to the guesthouse structure.
- The plans shall show the proposed cistern and septic systems or septic system connection.
- A permit will be needed for fuel modification on the adjacent MRCA property.
- Sod shall be restricted to Zone A of fuel modification or replaced with a native ground cover.
- The plant palette shall be revised to include 100% native species, and provide a landscape plan showing locations of all proposed and existing vegetation on the site.
- The house and landscaping shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.
- Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens), low stature fixtures (2.5-3 ft.). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or use motion detectors.
- Perimeter fencing shall not be allowed; security fencing, as around a pool, is permitted.
- A drainage plan is needed showing 100% capture of a 3/4-in. storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult Internet sources for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and/or driveways. A cistern below a driveway may require a permeable surface. Show the cistern on the drainage plan.
- The fuel modification plan shall provide zone dimensions and follow these standards:

Zone A: 20 feet wide; irrigated; non-invasive ground covers

Zone B: 30 feet wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees

Zone C: Beyond Zones A and B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

In preparing Zone C for fuel modification:

1. Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.
2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked remaining shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2-3 years between prunings for any one clump. Resprouting species can be pruned to near ground level.

For guidance, refer to:

a) The CNPS (California Native Plant Society) website at <http://www.cnps.org/>

b) The Los Angeles County Fire Department at:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

Staff Recommendation:

☐ Consistent ☒ Consistent after Modifications
☐ Inconsistent ☐ No decision

Staff Recommendations:

Comply with all ERB recommendations.

4. **Robinson Road LLC**

Project No: R2009-00114
Plot Plan: RPP2009-00153
Certificate of Compliance: RCOCT 2009-00014

APN: 4444-012-033

Location: 814 ½ Robinson Road, Topanga

Applicant: Lynn Heacox and Larry Miner, The Land and Water Company, for Robinson Road, LLC

Project: The project proposes a 2,353 square foot (sq.ft.), 2-story addition to an existing 2-story, 4,033 sq.ft. single-family residence located on a 1.38 acre lot comprised of 3 legal lots. A total of 820 square feet will be added to the first floor and 1,533 square feet will be added to the second floor. The existing residence currently includes a 2-story section on the north half of the structure, and a 1-story section on the south half. A portion of the addition will be to the 2-story section, and the other portion includes a new second floor over the south half of the residence. The subject portion of the parcels in-question has been conveyed to a separate owner. The COC is now being verified to be in compliance with the California Subdivision Map Act (§6649.34, §66499.35).

Resource: The proposed project is located in the **Santa Monica Mountains Malibu Coastal Zone** and contains the headwaters of a significant tributary to the **Significant Watershed of Topanga Canyon**. An existing oak tree located on the property is in close proximity to the project, which extends close to but not within the oak tree's 5 foot drip-line radius. **Oak woodland** (not a designated SERA) borders the subject property on the east side. Land owned by the **State of California** borders the subject property on the south side.

Request: **Review plans for the proposed addition. The ERB recommendations will be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).** Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

Notes on Applicant's Presentation:

The applicant approved Maral Tashjian as a temporary ERB member to achieve a quorum.

The project is a remodel of the lodge of the former Elysian Fields establishment.

Easement for the access of the project to septic system on the adjacent property cannot be recorded while under the same ownership. The current septic system capacity was inspected and found to be adequate under current plumbing codes to support the proposed addition. The landscape will remain as is, so no landscape plans were submitted.

The applicant clarified for the ERB that two addendums have been submitted since the original oak tree report relevant to this property was completed. The initial oak tree report was for the entire property. For this

particular project, the second addendum was prepared to address oak tree #51. Copies of the second addendum were distributed to ERB members at this meeting.

The current foundation of the lodge is concrete footings, about 2-feet in depth. Reinforcement to support the proposed remodel has not yet been engineered, but pilings or caissons are anticipated.

ERB Meeting Date: May 18, 2009

ERB Evaluation: Consistent X Consistent after Modifications
 Inconsistent No decision

ERB COMMENTS:

- The ERB commented that the project proposes a substantial increase in living area square footage (including an increase in bathrooms). The ERB requested information on any changes to the septic system to accommodate this expansion. Its concern is that oak trees might be impacted if the system needs to be expanded to increase capacity.
- The ERB pointed out that the current and future septic tank and seepage pits or leachfields (whichever are used) should not be near any oak trees. A 100-foot setback is required from a seepage pit to the outer edge of any oak tree canopy, and a 50-foot setback is required from a leach field to any oak tree canopy (Policy 80, Malibu LCP). One of the existing pits looks very close to oak trees.
- Because the project proposes more than a 50 percent increase to the existing home, the project has to comply with the Regional Water Quality Control Board requirement that all of the first 3/4-inch of a rainstorm has to be contained on-site. It is important to keep irrigation runoff from draining into the adjacent creek and oak trees.
- The drainage plan needs to upgrade to a collection system rather than drainage outflow onto the northern and northwest parking areas. This is important because of the Significant Tributary to Topanga Creek in that area of the property.
- The ERB commented that the oaks on the property are part of a significant oak woodland in that area of the significant Topanga watershed. The property is being heavily irrigated to maintain the existing and abundant Vinca (plant). Vinca is located within the dripline of oak tree #51. The ERB recommended removing all Vinca from the site to reduce the need for irrigation and to eliminate the allelopathic chemicals released by Vinca. Oaks lose root volume because of direct competition for water with the Vinca and because of the chemicals released by Vinca.
- Oaks do poorly if irrigated by more than rainwater because of the endemic *Armillaria* fungus which causes root rot. During a natural dry season, the fungus dies back, and the oak recovers from infestation. Irrigation threatens the oak trees if it is done throughout the year. Continual irrigation promotes year-round fungus growth, and the oaks will eventually be overpowered by these parasites. *Armillaria* is known from the Project site, and oaks have been removed because of it.
- Replace the Vinca with native plant species (Policy 84, Malibu LCP).

- The Vinca should be removed incrementally, for example, in successive 2-foot contouring strips, with hand tools to prevent damage to the oaks. This can be done on a seasonal basis so that the oak trees are not impacted. An alternate method that would not impact the oaks is to eliminate it all at once using covers of black plastic, sealed on the edges. The plastic heats the enclosed air and “cooks” the Vinca.
- The objective would be to have a duff layer of leaves under the oak trees, but some native plants could thrive there too, including *Salvia* spp. and *Spathea*.
- Irrigation lines within the driplines of oak trees should be removed out to the protected zone (5 ft. beyond the dripline) or further. This should not interfere with lawn watering, because the grass is on the flat area, the oaks are on the slopes.
- A landscape plan should be included in the plans.
- The ERB commented that the fuel modification plan description of fuel modification zones and the plan do not accord, and further, neither one shows the current standards.
- The ERB asked if any changes to the footings would occur to accommodate the weight of the proposed addition. The concern is that changes to the footings may impact oak trees, especially #51. The ERB wants to ensure that the tree is not impacted. The ERB recommended that any digging should be done by hand, and that there should be no cutting of the roots. When possible, caisson positions should be moved to protect the roots. Request the engineers to give guidelines for spacing with flexibility to accommodate findings of exploratory digging to discover root locations.
- Two salamanders of special concern have been seen on the property by one of the ERB members. Arboreal Salamander and Ensatina should not be affected by conversion of the understory of oaks to a duff or native plant cover. It is their natural habitat.

ERB RECOMMENDATIONS:

- Current and future septic systems and seepage pits and/or leachfields shall comply with setback requirements to protect all site oak trees.
- All Vinca shall be removed from the site and replaced by oak leaf litter or drought-tolerant, native plant species. The Vinca shall be removed by a method that does not impact oak trees.
- Irrigation lines within the protected zone of oak trees shall be removed.
- A landscape plan shall be provided showing locations of all proposed and existing vegetation on the site.
- Digging within the driplines and protected zones of oak trees shall be done by hand; there shall be no cutting of oak tree roots; and foundation positions should be moved when possible to protect the roots.
- The house and landscaping shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.
- Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens), low stature fixtures (2.5-3 ft.). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or use motion detectors.
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Staff Recommendation:

<input type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Consistent after Modifications
<input type="checkbox"/> Inconsistent	<input type="checkbox"/> No decision

Staff Recommendations: Comply with all ERB recommendations.